

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

EDDIE OGLETREE, an individual, )  
GERALD STEPHENS, an individual, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CITY OF AUBURN, a municipality in )  
The State of Alabama; LARRY LANGLEY, )  
an individual; LEE LAMAR, an individual; )  
BILL HAM, JR., an individual; )  
STEVEN A. REEVES, an individual; BILL )  
JAMES, an individual; CHARLES M. )  
DUGGAN, an individual; and CORTEZ )  
LAWRENCE, an individual, )  
 )  
Defendants. )

CASE NO: 3:07-cv-867-WKW

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CHRIS E. TURNER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CITY OF AUBURN, a municipality )  
of The State of Alabama; LARRY )  
LANGLEY, an individual; LEE )  
LAMAR, an individual; BILL HAM, )  
JR., an individual; STEVEN A. )  
REEVES, an individual; BILL JAMES, )  
an individual; DAVID WATKINS, an )  
individual; CHARLES M. DUGGAN, )  
an individual; and CORTEZ LAWRENCE, )  
an individual; )  
 )  
Defendants. )

CASE NO: 3:07-cv-162-MEF

**DEFENDANTS' REPLY TO PLAINTIFFS' JOINT  
MOTION TO CONSOLIDATE FOR DISCOVERY**

COME NOW the Defendants who have been served and filed answers in the above-styled causes and object to Plaintiffs' Joint Motion to Consolidate For Discovery these suits and in opposition responds as follows:

1. On November 27, 2007 the Court in *Turner* denied Plaintiff's Motion to Amend to include claims asserted by Ogletree and Stephens. On December 6, 2007 the Court in *Ogletree* denied Plaintiffs' Motion to Consolidate that case with *Turner*.

2. These Defendants adopt and incorporate herein their responses to Turner's Motion to Amend and Ogletree/Stephens' Motion to Consolidate the cases.

3. The Plaintiff in *Turner* has a significantly different background and history with the City of Auburn than do the Plaintiffs in *Ogletree/Stephens*. Completing discovery with the cases together will cause confusion and distractions which Defendant sought to prevent when opposing the Motion to Amend and/or the Motion to Consolidate these cases for trial. The Defendants have the right to litigate these cases separately and to make decisions about discovery and how the case should be presented for trial without the invasion of another lawsuit.

4. It is not necessary for the Plaintiffs in these two cases to have discovery consolidated for the purposes of sharing information or communicating with one another. No party will be prejudiced by simply proceeding with each case separately.

WHEREFORE, these premises prayed, these Defendants move this Court to deny Plaintiffs' Joint Motion to Consolidate for Discovery.

Respectfully submitted this the 28<sup>th</sup> day of January 2008.

/S/ Elizabeth Brannen Carter  
Randall Morgan [8350-R70R]  
Elizabeth Brannen Carter [3272-C-38-E]  
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Case

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**CERTIFICATE OF SERVICE**

I Hereby Certify that I have this date served a true and correct copy of the foregoing *Defendant's Reply to Plaintiff's Motion to Consolidate Discovery* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: Jeffrey W. Bennitt, Esquire (bennittlaw@aol.com), Wanda D. Devereaux, Esquire (wdd@devxllc.com), and Richard F. Horsley, Esquire (rfhala@cs.com) this the 28<sup>th</sup> day of January 2008.

/S/ Elizabeth Brannen Carter  
Of Counsel